OIPE IAP94
DEC 27 2006
PATENT & TRADEMARK OFFICE

Docket No.: 243627US6

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/678,747
Applicants: Yoichi NISHINO
Filing Date: October 6, 2003
For: DATA PROCESSING APPARATUS AND DATA PROCESSING METHOD
Group Art Unit: 2635
Examiner: SMITH, JEFFREY S.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of **$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
YOICHI NISHINO	: EXAMINER: SMITH, JEFFREY S.
SERIAL NO: 10/678,747	:
FILED: OCTOBER 6, 2003	: GROUP ART UNIT: 2635
FOR: DATA PROCESSING APPARATUS AND DATA PROCESSING METHOD	:

PROVISIONAL ELECTION

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ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election Requirement dated November 28, 2006, Applicants provisionally elect with traverse Species I, Claims 11 and 12 drawn to a data processing apparatus and data processing method. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

> If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

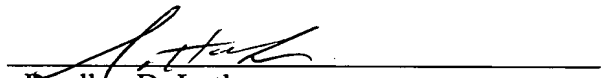
Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-28 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

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